A

*File No.* 166

1912.

Collection No.

11.3.47.

Singapore Residency

Pros. Serial Nos. 1–5

**Subject.**

water connection to the premises of the Peninsular Tobacco Company

**Previous References.**

7 100/09

7 50/11

7 119/11

7 145/12

**Later References.**

Margin for binding not to be written on.

File No. 166/1912

XR

# Office Note.

Letter No. 1824 dated 1th 12 1th June 1912

from the President, Muni Commrs, Cochin

SUBJECT.

Proposal to lay a 5" main from St Johns Church Road in partnership with the Penins Tobacco Company.

It is doubtful if it is expedien for the Muni Commrs to be in a way joint partners with the Tobacco Company in laying a main with funds belonging to both. Such a joint transaction might possibly lead to complications.

The President of the Muni Commrs solici the Resident's approval to the arrangement proposed in para 6. It seems that the arrangement may be treated as a contract within the competence of the Municipality. As municipal funds, as will not be offered as security, ~~sanction~~ ~~sanction of section 7 & 8~~ of the sanct of the Govt of India under section 7 of Act V of 1879 (Local Authorities Loans Act) is

not required.

Submitted for orders

B.T

13/6/12

The arrangement proposed seems rather complicated. Apparently the water connection will be carried only as far as the Wheelers Road level crossing & then no portion of it will be situated within the factory premises. Under para 12 of the Water Supply Bye Laws 1911 the whole main will be the exclusive property of the Commissioners. The Tobacco Company will have no interest in it even though they contribute Rs 5198. It is not clear whether the Company realise this position; if it does not, the contract will be liable to repudiation on the ground of misapprehension. Left on the

Margin for binding not to be written on.

Notes-*continued*

Margin for binding not to be written on.

the hand, joint ownership in the property is recognised, then will be trouble if the Commissioners if the Company should become insolvent or go into liquidation It seems necessary that the Company should first agree in writing that all matters connected with the proposed Scheme shall be regarded as the exclusive property of the Commissioners

Secondly, the arrangement proposed in para 6 of Mr Richards' letter will in fact create a charge on Municipal funds, and any contract which creates such a charge is, except in the case provided for in sec 8 of the Local Authorities Loans Act, 1879 (42 & 43 Vict. c. 83), void

* Mem. exception do not seem to apply to the present.

S. 2.—R. P. B.—10-1910.—3,000.

D.

Margin for binding not to be written on.

In addition to Mr Richards' proposal
there are two to be attended with
difficulties

Rest.

13/5/14 Please see the above note. There can, I think,
be no question that Mr. Richards' proposal involves
a loan from a private individual & I feel
certain that Govt. would not sanction it for
a moment. It is a quibble to call it a contract
when we ask the Company to lend us money at
4%. Moreover the sum (400/-) is too paltry
to suggest undertaking special measures. The
Municipal expenditure on Public works is generally
very elastic (Last year the best part of a lakh was
unappropriated) & if the matter is regarded as
urgent, it would surely be possible to let something
else slide.

Apart from the above considerations questions of joint
ownership might arise & create difficulties. Under
~~§ 50 of the~~ Rule 12 of the Municipal Bye Laws
at page 50 all pipes etc become the property of
the Commission.

Two alternatives suggest themselves. The urgency
as Mr. Mr. Richards says seems to be where
factory. We are therefore to see exist in a practical

Notes-*continued*

Margin for binding not to be written on.

to dictate on terms. In these cases he might ask the Company to pay for the whole of the Capital outlay. The Commission undertaking maintenance etc & reserving their ordinary right of purchase in the main under the Bye-law referred to above. The Commission might however agree to buy up the extra cost of the 5" main at Rs 6500/- say within 3 years.

Secondly the Company might be permitted where their 3 main costing 5,192/- & the Municipality-could lay and 3" main at the same cost when funds were available

I am not altogether in favour of (i) as any form of agreement of this nature is open to objection. (ii) is very possibly open to engineering objection & at any rate suggests a duplication of labour.

If however the need is urgent the Municipality must for this Saving & if need postpone some work for which funds have been allotted

MRB
14/6

We might speak about this after our next Tuesday Meeting.

Spoken. Please put up proposals for expending the half lakh on Sanitary measures. Is there any reason why Rs 4000/- or so of this grant should not be utilised for water Supply in place of one of other proposal put forward by the Commission.

MRB
18/6

Please see S. Rec 224 & 230 & 226

286/1899 The special grant of Rs 50,000 has been sanctioned by Govt for expenditure on sanitary works (i.e. in connection with a further extension of the Rabi-Jang Dwellings in Fraser Town as an experimental measure against Plague).

Flag I

Margin for binding not to be written on.

S 224 & 286/1899

S 229 & 230 do.

The Commissioner pursuant for the utilization of this grant provides Rs 40,000 for the removal & compensation Rs 10,000 for drainage in Ellsoor & the Parts of the station. There seems to be no objection to the diversion of a portion of Rs 10,000 allotted for drainage to the Parsi Dwellings under certain conditions which would benefit the residents in the vicinity of Fraser Town.

S 226 & 227 do.

1899 C

Notes-*continued*

Margin for binding not to be written on.

Kest.

We discussed this case ...
I put up a draft for approval.

PBW
19/6

HD 19/6

Issued W 3532 29.6.12

Margin for binding not to be written on.

8

# Office Note.

File No. 166-1912

Sl. 4

Letter No. 2938 dated 15. July 1912
from the President Municipal Commissioners, C/o the Station Manager.

SUBJECT.

Water connection from St. Peter's Church Road to Burnsward Road Railway Crossing.

The original estimate was for Rs 14,787/-. It has now been reduced to Rs 9321/- of which the Tobacco Company will pay Rs 4561/- The rest, Rs 4760/- which falls to the share of the Municipality is to be met from the allotment of Rs 15,000/- made for new boring lines from the sanitary grant of Rs 50,000/- made to the Municipality - The Commissioners however pledge to spend an equivalent amount when this year or next on boring lines - The Municipal Commissioners resolution may be confirmed as desired by them -

Draft submitted for approval -

H.
16/7/12

18/7/12

Regd.

Please see our letter at Ser. 3. May be confirmed.

19/7/12

1917

S. 1, R. P. B.—11-1911.—5,000.

Sl. 5 Issued vide 4165 & 20th July 1912

# NOTES AND PRECIS.

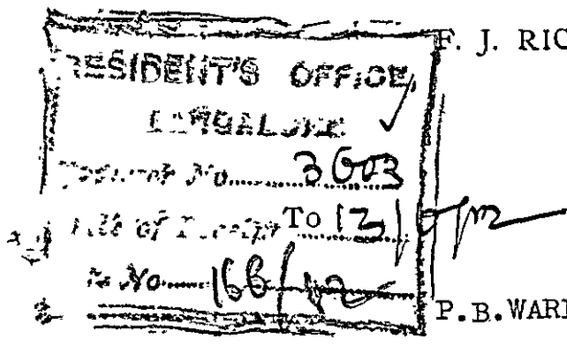
S. 6.—R. P. B.—10-1911.—4,000.

Entd 4 H.O. 6 1,000-21-8-1911.

No 1824 Encl: 2

CIVIL AND MILITARY STATION, BANGALORE,
MUNICIPAL OFFICE. 1316
DATED 12th June 1912.

FROM




F. J. RICHARDS, ESQUIRE, M. A., I. C. S.,
*President, Municipal Commission,*
*C. & M. Station, Bangalore.*

P.B.WARBURTON Esquire, I.C.S.,
FIRST ASSISTANT to the HON'BLE the RESIDENT
in MYSORE,
BANGALORE.

SIR,

I have the honor to report that the Peninsular Tobacco Company who have purchased certain lands north of the Railway Line and East of the Bansavadi Road, have already begun the erection of buildings for the purposes of their factory, and have now requested that water be laid on to their premises.

2. The Assistant Commanding Royal Engineer has furnished two estimates for the water connection, one for Rs 5192-12-7 for a 3" C.I. Main from Coles Road to the approximate site of the Tobacco Company's reservoir, the other for Rs 11,787/- for laying a 5" main from St.John's Church Road to the same site.

3. The Assistant Commanding Royal Engineer estimates that the Company will require a 3" main to meet their requirements. If the needs of other people are to be met from the same main as that used by the Tobacco Company a larger pipe will be necessary. Major Fraser calculates that a 5" main would supply about 57,000/- gallons during seven hours in the day time, when the pressure is lower than at night. At 10 gallons a head this would suffice for a native population of 5700/, a figure which may be reached in the near future.

4. In view of the probable expansion of population in the locality it would obviously be a short sighted policy to lay

lay a main that would provide a supply insufficient for any residents over and above the requirements of the Factory. Major Fraser therefore recommends that a 5" main should be laid, and that the Tobacco Company be asked to pay towards it ₹ 5192-12-7, the cost of laying the main they require, the Municipality finding the remaining ₹ 6594/- odd.

5. Major Fraser's recommendation is a sound one and the Municipal Commission have accepted it provided funds are obtainable, (Vide the Recommendation of the Standing Committee and the Resolution of the Commission thereon dated 16th & 31st May 1912 respectively, copies of both of which are enclosed). Our difficulty, however, is for us to find the ₹ 6594/- during the current year without holding up other more urgent demands for extensions. It is certain that we shall want to use part of the new main before the close of the current year, and we cannot with reason withhold from the Tobacco Company the water necessary for their Factory which is a matter of very great urgency, as they hope to start work in November.

6. I propose therefore that we offer the Tobacco Company the following terms :-

(a) That the 5" main be put in hand at once.

(b) That the Municipality pay cash down at once one-third of their share of ₹ 6596/- and that the Tobacco Company pay the remainder.

(c) that the Municipality pay to the Company on April 1st 1913 the second third of ₹ 6596/- plus interest at 4% and on April 1st 1914, the remaining third plus interest at the same rate.

I am aware that from one point of view the above arrangement is a loan, and that we are not empowered to raise such a loan. On the other hand I submit that the arrangement may be regarded as a contract between the Municipality and the Tobacco Company for the mutual convenience of each, to meet a contingency of great urgency.

7. I solicit the approval of the Hon'ble the Resident

Resident for the above proposal, as I can suggest no alternative solution of the problem. If Sir Hugh Daly has no objection I shall obtain the consent of the Commission for the proposal. I do not anticipate that the three instalments will cripple our progress as a lump sum of Rs 6594/- would do. The sooner the Factory is in working order the better for the Municipality, as we shall derive extra Revenue both directly and indirectly. I may add that the share of the Municipality will be slightly less than the Rs 6594/- mentioned by the Assistant Commanding Royal Engineer as we have resolved to carry the 5" main as far as the level crossing only and not right up to the reservoir site.

The favor of very early orders is requested.

I have the honor to be,

Sir,

Your most obedient servant,

President, Municipal Commission,

Civil and Military Station, Bangalore.

Proceedings of the Standing Committee dated 16th May 1912.

---

12. Alternative estimates for laying on a new Water Main for Tobacco Factory on Bansawady Road.

The Standing Committee recommend that the estimate for ₹s 11,787/- for laying on a 5" main from St. John's Church Road along Wheeler's Road as far as the level crossing be passed, the Tobacco Company contributing ₹s 5,193/- and the Municipality ₹s 6,594/-.

---

Copy

Secretary

Proceedings of an Adjourned Ordinary Meeting dated 31st May 1912

---

13. Alternative estimates for laying on a new Water Main for the Tobacco Factory on Bansawadi Road; the Standing Committee recommend that the estimate for Rs.11,787 for laying on a 5" Main from St. John's Church Road along Wheeler's Road as far as the level crossing be passed, the Tobacco Company contributing Rs.5,193 and the Municipality Rs.6,594.

Resolved that the estimate for laying on a 5" Main be approved,-

(1). provided that funds be available.

(2). on the understanding that if the main is at any time utilized by the Military authorities, they be asked to refund to the Municipality a proportionate share of the initial cost.

(3). that the extension be carried only as far as the Wheeler's Road level crossing.

and (4). that the Tobacco Company contribute Rs.5,193/-

---

(Signed). F. J. Richards
President.

Copy
A. Chinles
Secretary

RESIDENT'S OFFICE,
BANGALORE
Register No. 3604
Date of Receipt 13/6/12
File No. 1166/12

7W1825

12/6/12

BANGALORE C & M STATION MUNICIPALITY

11.6.12
12

My dear Warburton.
The Tobacco Co.
They are worrying
me regarding the
Water Supply for
their factory &
would like Cable
& London Instructions
I think they are

PRESIDENT'S OFFICE
REGISTER
Register No. 3604
Date of Receipt 13 MAY
File No. 1166/1912

Prepared to advance two thirds of the share of the contractor Nalls No 1, if this Board has no objection to the arrangement proposed by me in my letter 2018/48
12/6/12 Yours Sincerely
J. Rendel

No. 3532

FROM

P. B. WARBURTON, ESQ., I. C. S.,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

The President, Municipal Commission,
Civil and Military Station, Bangalore

*Dated Bangalore, 19th June 1912.*

SIR,

I am directed to acknowledge the receipt of your letter No. 1824, dated the 12th June 1912, in which you make certain proposals regarding the supply of water to the Peninsular Tobacco Company and the urgent necessity of providing sufficient water to meet the requirements of an expanding population and the development of the locality.

2. The Resident has had the advantage of discussing the matter with you and prefers not to accept the suggestion that the Tobacco Company should be asked to furnish a sum of approximately Rs. 4000/- for laying a 5" main, on the understanding that the Municipality should repay this sum within two years with interest. It is impossible to regard such a transaction as other than a loan from a private individual, and Sir Hugh Daly is averse to entering into an agreement with a private concern for the loan of so small a sum, nor is it likely that the Government of India would countenance such an agreement.

3. In the circumstances, Sir Hugh Daly is of opinion that the Commission should find the money from other sources, and I am to suggest for consideration that a portion of the special grant of Rs. 50,000/- from the Government of India for expenditure on Sanitary works might be diverted to this object. The provision of a proper water supply for an area which there is every reason to believe will develop into a model extension may be regarded as an eminently sanitary work, and the Resident is prepared to sanction the immdeiate undertaking of the project on the lines suggested in your letter under reply viz:-

(1) A 5" main to be put in hand at once.

(2) The Tobacco Company to pay the cost of laying the main they require

(3) The Municipality to furnish the remaining sum partly by reappropriation and partly by the diversion of the special grant as indicated above.

It is assumed that the Company are fully cognisant of para 4 of the Water Supply Bye Law No. 11 under which the entire main will become the exclusive property of the Municipal Commissioners.

4. I am to request that, with reference to your letter No. 880, dated the 7th May 1912, you will report to what extent the proposals contained therein will require curtailment, and I am to suggest that the Commission should endeavour to include provision in next year's budget in order that the full programme of improvements for which the special grant has been allotted, may be carried out and the general scheme of sanitation may not be unduly delayed.

I have the honour to be,

Sir,

Your most obedient servant,

Sd/ P.B. Wauchope

First Assistant Resident.

H. O.
6 1,000—1-7

No. 2938
Enc: 1

CIVIL AND MILITARY STATION, BANGALORE

MUNICIPAL OFFICE.

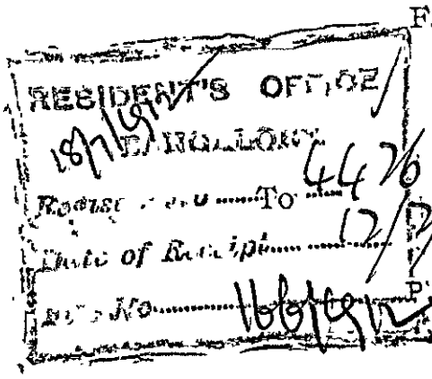
DATED 15 July 1912.

FROM

F. J. RICHARDS, ESQUIRE, M. A., I. C. S.,

*President, Municipal Commission,*

*C. & M. Station, Bangalore.*




P. B. WARBURTON Esquire, I.C.S.,

FIRST ASSISTANT to the HON'BLE the RESIDENT in MYSORE,

Bangalore.

SIR,

S. 3 With reference to your No.3532 dated the 19th June 1912, I have the honor to state that, with the appro of the Commission, I have sanctioned the laying of a 5" Main from St.John's Church Road to Ranswadi Road railway Crossing at a cost of ₹9,321/- the Municipality paying ₹4,760/- and the Tobacco Company, viz, ₹4,561/-

× No.13 dated 27th June 1912.

2. I enclose a copy of the resolution of the Commis- × sion and request that the Hon'ble the Resident may b pleased to confirm it.

I have the honor to be,

Sir,

Your most obedient servant,

President, Municipal Commission,

Civil and Military Station, Bangalore.

proceedings of an Ordinary Meeting dated 27th June 1912.

---

13. Letter No.3532 dated 19th June 1912, from the First Assistant Resident, suggesting for consideration that the proportionate share of cost payable by the Municipality for providing a main from St.John's Church Road as far as Wheeler's Road level crossing may be met partly by re-appropriation and partly from the special grant of Rs50,000/- lately received from the Government of India for sanitary Works.

President said that, as per revised estimates, the cost of laying on a 3" main from St.John's Church Road as far as Wheeler's Road level crossing will be Rs4,561/- while the cost of a 5" main will be Rs9,321. A 5" main will be laid. The Tobacco Company will pay Rs ~~4,766/-~~ 4,561/- and the Municipality, the bal. viz. Rs4,760/-. He proposed that this sum of Rs4,760/- be taken from the Rs15,000/- allotted for "New Hutting Lines" in Resolution No.10 dated 25th April 1912, the Commission pledging themselves to spend Rs4,760/- extra either this year or next, on Hutting Lines. The proposal was put to the meeting and passed.

* a portion of Rs50,000/- grant received from the Government of India for sanitary works in the Station.

F 226 & 227. 286/99

(Sd) F.J.Richards
President

---

COPY

A. Cecile

SECRETARY.

S. 3.—R. P. B.—4-1912.—10,000.

5

File 166/12

[DRAFT.]

From P. B. Workman Esqr, I.C.S,
First Assistant to the Resident
in Mysore.

To The President, Municipal Commission,
for the Station of Bangalore -

No 4465
D/ 20th July 1912
A.G

Sir,

I am directed to acknowledge the receipt of your letter No. 2938, dated the 15th July 1912, forwarding a resolution of the Municipal Commission, No. 13 dated the 27th June 1912, ~~regarding~~ on the subject of the laying on of a 5" main from St. John's Church Road as far as Wheeler's Road level crossing -

2. The resolution is confirmed.

I have, etc,

First Asst to Resident

A copy of this letter & of the letter which it is a reply under the head No. Rev. 288 of 1899.

14/7/12